

ORIGINAL

United States District Court

NORTHERN

DISTRICT OF

TEXAS

MAR 11 2009

UNITED STATES OF AMERICA

V.

BRYAN K. DICKSON (01)

CRIMINAL COMPLAINT

CLERK, U.S. DISTRICT COURT

Deputy

CASE NUMBER: 4:09-049-MJ

I, James J. Pokorney, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 11, 2009, in Tarrant County, in the Northern District of Texas defendant did,

knowingly possess in interstate and foreign commerce by any means, including by computer and external storage media, child pornography;

in violation of Title 18, United States Code, Section(s) 2252.

I further state that I am a Special Agent of Immigration and Customs Enforcement, and that this complaint is based on the following facts:

See attached Affidavit of Special Agent James J. Pokorney, which is incorporated and made a part hereof by reference.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



James J. Pokorney, Special Agent  
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, on this 11 day of March 2009, at Fort Worth, Texas.

HONORABLE CHARLES BLEIL  
UNITED STATES MAGISTRATE JUDGE  
Name & Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT

I, James J. Pokorney, being duly sworn, deposes and says:

1. I am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), assigned to the Special Agent in Charge in Dallas, Texas. I have been so employed with ICE and its predecessor organization, the Immigration and Naturalization Service, since May of 1988. As part of my daily duties as an ICE agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252(a) and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media

2. This affidavit sets forth facts and suggest reasonable inferences from those facts, establishing that there is probable cause to believe that on or before March 11, 2009, in the Northern District of Texas, Bryan K. DICKSON committed the offense of Possession of Child Pornography, in violation of 18 U.S.C. § 2252(a)(4)(B).

3. The information contained in this affidavit is from Affiant's personal knowledge of the described investigation and from information obtained from other law enforcement agents.

#### OVERVIEW OF INVESTIGATION

4. In May of 2005 and continuing through March 2007, Immigration and Customs Enforcement (ICE) conducted an investigation of websites, email accounts, and third party bill pay companies that were associated with the sale and distribution of child pornography. The investigation was called Operation Emissary I and Operation Emissary II. As a result, ICE identified numerous subscribers and would-be subscribers of these sites throughout the United States.

5. During the course of Phases I and II of the operation, ICE agents were able to identify an individual (CW) involved in processing the credit card transactions for the Child Pornography Website. This individual was arrested by ICE agents on or about March 2008, and charged with a violation of 18 U.S.C. § 1956(h) because of CW's role in processing the credit card transactions. The CW has since pleaded guilty to a violation of 18 U.S.C. § 1956(h) and has entered into a cooperation agreement with the Government. During CW's guilty plea, the CW admitted to processing the credit card transactions associated with the sale of access to images and videos of child pornography via the Internet, a reference to the sale of subscriptions to child pornography through the Child Pornography Advertising Websites.

6. The CW has cooperated with ICE agents in their investigation of the Operators of the Child Pornography Website. The CW informed ICE agents that the CW's role was to process the credit cards used by purchasers of access to the images and videos of child pornography available through the Child Pornography Website. The CW explained that after an individual entered his personal information, including his name, address, and credit card information into the "join page" of a Child Pornography Advertising Website, that information was then transmitted via the Internet to one of the Operators of the Child Pornography Website. That Operator of the Child Pornography Website would then send the information to the CW, who had retained a credit card processing company to process the online credit card transactions through a merchant account established by the CW. If the transaction was approved, the CW would then receive the amount of the purchase from the bank that issued the purchaser's credit card, and that charge would subsequently appear on the purchaser's credit card statement. The CW would then transfer those proceeds, minus various fees and the CW's percentage, to the Operators of the Child Pornography Website. To disguise the nature of the transaction, a purchase made through a Child Pornography Advertising Website would appear on a purchaser's credit card statement as a purchase of legitimate goods or services from a sham merchant created by the CW, such as AD SOFT. According to the CW, the CW had used a number of sham Internet-based companies to process such credit card transactions, which purported

to offer items for sale ranging from weight-loss products to computer anti-spyware software.

7. In or about March 2008, the Operators of the Child Pornography Website agreed to have the CW process credit card transactions for access to images and videos of child pornography that they made available via the Internet. The billing descriptor for the CW's merchant account was "NEWSAC." As part of its investigation, ICE agents set up another undercover e-mail account (the "CW E-mail Account"), which the agents monitored and controlled. The CW provided the CW E-mail Account to the Operators of the Child Pornography Website so that they could send to the CW the personal and credit card information that had been captured when individuals entered that information into the "join page" of a Child Pornography Advertising Website.

8. After the NEWSAC merchant account became operational, the Operators of the Child Pornography Website began to forward to the CW E-mail Account lists of individuals attempting to purchase access to images and videos of child pornography through one of the Child Pornography Advertising Websites. Among the data included in this list were the following items, among other things, submitted by the would-be subscriber: name, address, e-mail account, password and login selected, and credit card number with expiration date. Also included were the IP address from which the purchase was made and the URL of the Child

Pornography Advertising Website "join page" through which the purchase was made.

9. In December 2008, ICE SAC Dallas received information from Immigration and Customs Enforcement regarding one of the purchasers identified during Operation "THINICE" believed to be in the SAC Dallas Area of Responsibility (AOR) and who bought access to the Child Pornography Website. A review of the information/evidence indicated ICE agents had determined that an individual named Bryan Kerr DICKSON, who currently resides at the XXXX Odeum Drive, Keller, TX 76248, has viewed, subscribed to, been granted access to, and received and/or attempted to receive child pornography. The evidence obtained through ICE's undercover investigation revealed that DICKSON purchased thirty-day subscriptions to the Child Pornography Website on March 24, 2008 and May 17, 2008 and accessed images and videos from the site from on or about March 26, 2008 through June 1, 2008.

10. In or about May 18, 2008, an e-mail from the Operators of the Child Pornography Website via nolimitzory@aim.com was received at the CW E-mail Account. That e-mail included a file containing the following information, among other things, that an individual had entered into the "join page" from the referring URL <http://www.eternalfreedom.com/phplinks/secure/joinpage/secure.php?GT5HUJU7JJY56654>, one of the Child Pornography Advertising Websites, on or

about May 17, 2008 for the purchase of access to the Child Pornography Website:

- a. Name: Bryan Dickson
- b. E-mail Address: crazybicycler4@netzero.net
- c. Billing address: XXX Woodward Way #XXX, Arlington, TX 76011
- d. Telephone number: 817-XXX-9477
- e. Credit Card Number: XXXX XXXX XXXX 1687
- f. Proposed login: crazybicycler
- g. Proposed password: starboard

That data also captured the IP address from where the above data had been submitted which was listed as 64.136.27.231.

11. On or about May 18, 2008, an e-mail was sent from the CW E-mail Account to the Operators of the Child Pornography Website indicating that the credit card number submitted by DICKSON had been successfully processed. Thereafter, the Operators of the Child Pornography Website granted DICKSON access to the Child Pornography Website.

12. ICE agents reviewed the log files obtained via the search warrants executed on the Hivelocity. Those log files revealed that on May 20, 2008, the Child Pornography Website was accessed from the IP address 64.136.27.231. The logs files also revealed that the e-mail address crazybicycler4@netzero.net had been used to access numerous images/videos of child pornography available through the Child Pornography Website. This e-mail address is associated with

Bryan DICKSON at his former address of XXX Woodard Way, # XXX, Arlington, TX 76011. By way of example, three of the images or videos accessed by crazybicycler4@netzero.net on various dates from March 26, 2008 through June 1, 2008 are described as follows:

- a. Image /444/pics2/sm/brasil002.jpg: This image, which was accessed by e-mail address crazybicycler4@netzero.net on March 26, 2008, depicts the genital area of a prepubescent female who is seated on her buttocks partially in water with her hands holding her vagina apart to fully expose her inner genital area in a lewd and lascivious manner. There is another hand in the photograph that is positioned on the hand of the prepubescent female assisting in exposing the most intimate portion of her genital area. The hand appears to be that of an adult male.
- b. Image /444/pics/sm/asia.321.jpg: This image, which was accessed by e-mail address crazybicycler4@netzero.net on May 20, 2008, depicts a fully nude prepubescent female lying on bed made up of a white sheet and a pink headboard. The minor child's legs are spread to fully expose her genital area in a lewd and lascivious manner as her legs are bound with duct tape. A male subject of large girth is in a standing position next to the bed. He is depicted from the shoulders down and appears to be fully nude. A female, is positioned bent down and appears to be performing oral copulation on the adult male.
- c. Video /444/staaaaff/newone/(pthc)Moscow-3(vhs3).avi: This video, which was accessed by e-mail address crazybicycler4@netzero.net on March 30, 2008, is approximately 01:58 long and depicts a prepubescent female in several segments of the video. In one segment, the minor female is standing in a bathtub with her posterior exposed to an adult male who is bathing her and digitally penetrating her genital area. In the second segment, the fully nude adult male has the prepubescent female lying on a bed with her legs spread in the air to expose her genital area in a lewd and lascivious manner while he penetrated her anal cavity with his penis.



13. On or about May 19, 2008, ICE agents using commercially available software determined that IP address 64.136.27.231 is controlled by United Online d.b.a. Netzero.net.

14. On or about June 9, 2008, representatives of United Online confirmed that the IP address of 64.136.27.231 was subscribed to by DICKSON on May 17, 2008 @ 12:01:41 from XXX Woodard Way, # XXX, Arlington, TX 76011 (former address) using their dial-up internet service and the telephone number 817-XXX-9477, as well as the email account crazybicyler4@netzero.net.

15. On or about February 26, 2009, One Source Communications confirmed that DICKSON has been the subscriber to the One Source telephone number, 817-XXX-5084, as well as their cable television and internet service at XXXX Odeum Drive, Keller, TX 76248 since 8/12/2008.

16. On March 11, 2009, a federal search warrant was executed at the residence of Bryan K. DICKSON, XXXX Odeum Drive, Keller, TX 76248. During the execution of the search warrant, DICKSON was interviewed by agents at the residence. DICKSON was advised that he was not under arrest and that he could depart the residence at anytime. During a consensual interview, DICKSON admitted to looking at child pornography since approximately 2006 and identified and recognized the "join page" as well as several images from the child pornography website "Pedo Heaven." "Pedo Heaven" refers to the same website that the CW was assisting ICE agents in order to determine who was purchasing

subscriptions to child pornography. DICKSON then directed ICE Agents to a computer disk (CD) which was already inside his computer. DICKSON stated to ICE Agents that the disk contained child pornography.

17. During the course of an onsite forensic preview, ICE Computer Forensic Agent (CFA) Jose Delgado, discovered numerous videos of child pornography located on DICKSON's compact disc. The following three files, which are described below, were located on DICKSON's compact disc:

<b>File name</b>	<b>Description of image</b>
((hussyfan))2004 Cum Mouth And Face.mpeg	A video file approximately 9:05 minutes in length depicting a prepubescent female performing oral sex an adult male
movie_(456)	A video file approximately 3:25 minutes in length depicting a prepubescent female performing oral sex on an adult male
PTHC-Family Fun Pedo 2 8yo Boy's Little (Mom Sex Kiddies	A video file approximately 14:20 minutes in length depicting two prepubescent boys engaged in sexually explicit conduct with an adult female and an adult male

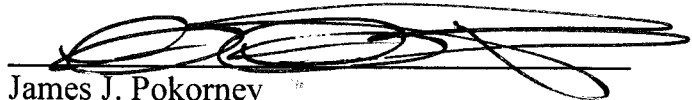
18. Based on my experience, the terms hussyfan, PTHC (Pre-teen hardcore) and Pedo are terms used in Internet searches for images/videos of child pornography.

19. The defendant's computer and computer disk (CD) were manufactured outside the state of Texas, and would have affected interstate and

foreign commerce by crossing into Texas.

CONCLUSION

20. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that on or about March 11, 2009, the defendant Bryan K. DICKSON knowingly possessed a matter which contained visual depictions of child pornography that had been mailed, or shipped in interstate or foreign commerce, by any means, including by computer in violation of Title 18 U.S.C., Section 2252(a)(4)(B).



James J. Pokorney  
Special Agent, Department of Homeland Security  
Immigration and Customs Enforcement

Subscribed and sworn before me this 11 day of March 2009.



HONORABLE CHARLES BLEIL  
UNITED STATES MAGISTRATE JUDGE